

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In re L&L ENERGY, INC.
SECURITIES LITIGATION

No. C11-1423RSL

ORDER REGARDING CONSIDERATION OF
DEFENDANTS' MOTION TO DISMISS


This matter comes before the Court on plaintiff's "Motion to Delay Consideration of Motion for Summary Judgment." Dkt. # 88. Plaintiff requests that, if the Court were to take judicial notice of the extrinsic evidence submitted by defendants in support of their motion to dismiss, that the motion be converted to a summary judgment motion and continued until plaintiff has an opportunity to conduct discovery.

Defendants' third request for judicial notice has been granted in part. In considering defendant's motion to dismiss, the Court took notice of the Glaucus Research Group report, the existence of publicly-filed documents, and the existence of other documents the authenticity of which has not been reasonably challenged. The Court did not, however, consider the judicially-noticed documents for the truth of the matters asserted therein or attempt to resolve the various fact issues and challenges to authenticity that were raised in the context of the motion to dismiss. Because the Court has focused on the adequacy of the pleading and not on the quantum of evidence provided, the motion need not be converted into a motion for summary

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1 judgment. Plaintiff's motion to delay consideration of a summary judgment motion is therefore
2 DENIED as moot.

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4 Dated this 2nd day of December, 2013.

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7 Robert S. Lasnik
8 United States District Judge
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